

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-3007

Jireh Consulting, doing business as The
Writing Company, Inc.,

Plaintiff,

Jerroll M. Sanders,

Appellant,

v.

Lisa Ross, (McGonigle); Gregory
Rothwell; James Williams; Sheila
Jenkins; Christopher Rothwieler;
Pamela Gardner; David Williams;
United States of America,

Appellees.

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* Appeal from the United States
* District Court for the
* Eastern District of Missouri.
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Submitted: August 7, 2006
Filed: August 16, 2006

Before MURPHY, BYE, and MELLOY, Circuit Judges.

PER CURIAM.

Jerrold Sanders appeals the district court's¹ order dismissing her Federal Tort Claims Act (FTCA) lawsuit for lack of subject matter jurisdiction. Having carefully reviewed the record, see LeMay v. U.S. Postal Serv., 450 F.3d 797, 799 (8th Cir. 2006) (reviewing de novo dismissal for lack of subject matter jurisdiction), we agree with the district court that Sanders failed to meet her burden to present specific facts rebutting the Attorney General's 28 U.S.C. § 2679(d) certification, see Lawson v. United States, 103 F.3d 59, 60 (8th Cir. 1996), and we reject Sanders's argument that discovery and an evidentiary hearing were required in the instant case on the scope-of-employment issue. The district court thus properly concluded it lacked subject matter jurisdiction over Sanders's lawsuit, given her admission that she had not filed an administrative claim under the FTCA. See Bellecourt v. United States, 994 F.2d 427, 430 (8th Cir. 1993).

Accordingly, we affirm. See 8th Cir. 47B. We also deny Sanders's pending motion.

¹The Honorable Donald J. Stohr, United States District Judge for the Eastern District of Missouri.